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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/100,133	06/19/98	CONMY	D 52817.000013

021967
HUNTON AND WILLIAMS
1900 K STREET N W
WASHINGTON DC 20006

TM02/0319

EXAMINER

NORMAN, M

ART UNIT

PAPER NUMBER

2163
DATE MAILED:

14
03/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/100,133	CONMY ET AL.	
	Examiner	Art Unit	
	Marc E. Norman	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

The request filed on January 22, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/100,133 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al. in view of Buhrmann et al. as already set forth in papers 7 and 9 (Final Rejection and Advisory Action, respectively, under original prosecution), and further in view of the Computer Reseller News article, "IBM-Lotus: Calendaring is on the Agenda" (hereinafter referred to as "IBM-Lotus").

In Amendment D (paper 13), Applicant amended each of independent claims 1 and 5-7 to include a limitation regarding enabling the invitee to delegate a substitute in response to the invitation. Otherwise, the claims are substantially unchanged from the original prosecution. The rejections regarding these claims set forth in papers 7 and 9 regarding the pre-existing limitations are carried forward and maintained. (For the record, it is noted that Applicant presents no

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arguments regarding those rejections in Amendment D. Arguments were presented in Amendment C, after the final rejection but prior to the Advisory Action. However, those arguments were rejected in the Advisory Action. Since Applicant provided no arguments in response to the rejection set forth in the Advisory Action, and since Applicant has added a new limitation to the claims apparently in order to overcome that rejection, the Examiner assumes that Applicant does not dispute that rejection.)

As per independent claims 1 and 5-7, neither Hotaling et al. nor Buhrmann et al. teaches enabling the invitee to delegate a substitute in response to the invitation. IBM-Lotus teaches scheduling software whereby an invitee can delegate a substitute to attend (see page 5, 5th paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the substitute delegation feature of IBM-Lotus to the scheduling system of Hotaling et al. since both references apply to the same field of meeting scheduling software, and because the substitute delegation feature is simply an extra feature that could apply equally well to either system for the purpose of allowing the invitee to designate someone else to participate in a meeting in the instance when the invitee is unable to attend.

As per dependent claims 2-4 and 8-16, Applicant has neither made new changes to nor presented new arguments regarding these claims. Accordingly, the rejections of these claims as set forth during the original prosecution (see paper number 4) are carried forward and maintained.

Alternatively, independent claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al. in view of Buhrmann et al. and further in view of Roseman.

As per independent claims 1 and 5-7, Roseman teaches a virtual scheduling system whereby an invitee can delegate a substitute attendee (see page 6, 7th full paragraph). It would similarly have been obvious to one of ordinary skill in the art at the time the invention was made to combine the substitute delegation feature of Roseman to the scheduling system of Hotaling et al. since both references apply to the same field of meeting scheduling software, and because the substitute delegation feature is simply an extra feature that could apply equally well to either system for the purpose of allowing the invitee to designate someone else to participate in a meeting in the instance when the invitee is unable to attend.

As per dependent claims 2-4 and 8-16, again Applicant has neither made new changes to nor presented new arguments regarding these claims. Accordingly, the rejections of these claims as set forth during the original prosecution (see paper number 4) are carried forward and maintained.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conmy et al. and Beckhardt et al. each teach related group scheduling software systems.

Haverstock et al. teaches a web server with integrated scheduling and calendaring.

Griffin et al. teaches a method of meeting confirmation in a data processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 703-305-2711.

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March 12, 2001



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